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UNITED STATES GOVERNMENT

memorandum

DATE: January 8, 1997

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REPLY TO
ATTN OF: Ira Keltz

JAN - 8 1997

SUBJECT: PR Docket No. 92-257

Federal Communications Commission
Office of Secretary

TO: William F. Caton, Acting Secretary

The attached *ex parte* comments on PR Docket No. 92-257 were sent to me via E-Mail from Skip Muckelrath of West Pac, Inc. Please add these to the official record of PR Docket No. 92-257. Thank You.

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From: west pac corp. <westpac@cdsnet.net>
To: Ira Keltz <IKELTZ@fcc.gov>
Date: 1/6/97 6:48pm
Subject: cut & paste below & attached ms word doc.... which works best for you?

Federal Communications Commission
Office of Secretary

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Content-Type: text/plain; charset="us-ascii"

Pacific Marketing Assoc.
PO Box 7427
Klamath Falls, Oregon 97602-0427

(541) 885-8242
Fax: 884-7064

Email to: Mr. Ira Keltz
FCC Wireless Telecommunications Bureau

Date: 1/6/97

From: Skip Muckelrath

Dear Ira,

In view of the fact that your are planning to visit with Katherine Hosford regarding the National Concept on Channeling and Trunking, there exists a secondary but very interrelated issue. We are also seeking advice as to the best course of action on this issue.

Both the Concept and this issue are related to Interoperability between Mutual Aid user groups. Our viewpoint is that a true foundation for interoperability should begin with current analog radio structures. Also, establishing interoperability measures between interservice user systems is equally as critical as it is within individual user systems.

A portion of NPRM 92-257 was ruled on and made into a Report & Order #95-178. The other portion not ruled on became FNPRM 95-177 on the previous day. In particular, 95-178 allowed interservice sharing of maritime spectrum with Part 90 users, and 95-177 was to be the reciprocal, and listed a table of sixteen (16) specific frequencies. The list is attached for reference.

Those frequencies were defined as to be tabled under Parts 90.89 and 90.91; however, as recent as October 95 revised Part 90, only six were listed as specific channel centers (25 Kz band width). The balance of ten frequencies are within the same bandwidth of 159.500 to 161.550, but with no assigned users on these channel centers.

During the process of seeking license for an LA County Lifeguard system, we have learned that Commission ruling on 95-177 is about to occur.

In 1995, LA County Fire Dept. consolidated Lifeguard operations into their total operational management plans. LA County has ordered a multi-station radio system, utilizing DSC (Digital Selective Calling) radios produced by

Ross Engineering, Largo, Fl. At the close of 95 and early 96, we had intended to request channels for LA County by virtue of "pending and final" ruling on 95-177. With 1996 being the pivotal year for radio spectrum, action on 95-177 became delayed, and that spectrum is possibly now at risk.

There are three factors that will probably influence the FCC's decision.

Our position is that there should be more points of consideration. The three current factors are:

1. Railroad (90.91) and Motor Carrier (90.89) users may have lobbied against sharing.
2. Some or all of these frequencies may become incorporated into a Consolidated Channel Pool.
3. The opposing users are Maritime based. They feel that giving up spectrum in 95-178 should produce the reciprocal sharing as stated in 95-177.

If both dockets are reviewed concurrently, it could appear that the Part 90 channels would be primarily available to Public Correspondence users for commercial operations. It is probable that the Commission and all sides of the User equation would agree that Public Correspondence is not the best use of these specific frequencies. Public Correspondence providers (Ship to Shore Telephone operators) spectrum preference is to migrate to 12.5 Kz narrowband frequencies that are interstitial to their existing 25 Kz channel centers, as originally intended in the first docket 92-257.

As stated, other considerations should be included and have become evident through publications and discussions relative to regulatory frequency actions. We think that new evidence is available and should be included to produce options and flexibility in the final Report & Order. These considerations have become more clear in recent months, unfortunately they are after the closing date for comments to 95-177.

Pursuant to published documents 95-255 and 96-155, and the Final Report of PSWAC, interoperability remains the central issue.

Concurrent with frequency restructuring, Public Safety entities are consolidating their resources and agencies into centralized management.

This is occurring Nationwide. The principal motivation behind consolidation is "budgetary" and the primary asset to be consolidated is communication systems.

Consider that Public Safety operations near major waterways need to be interoperable with Maritime and Land based radio systems, be that Lifeguards, Haz Mat, Rescue, Parks & Recreation, Wildlife, State Ferry Boat Agencies and others. The Commission has recently ruled to eliminate license requirements for most maritime operators. Also, many marine radios were previously capable of being programmed to unauthorized frequencies. Today, it is not safe to consider maritime spectrum (Part 80) for Public Safety applications in most geographical regions.

Additionally, in the refarming docket #95-255, no notice was clearly evident regarding spectrum for interoperability between consolidated Public Safety or Mutual Aid partners with Part 90

applications. Currently, many of those

Agencies are utilizing Low Band VHF frequencies. These Agencies need to migrate to High Band VHF-FM. Beyond the disruptive interference probability of Low Band to other systems, both to related and non related users, there is not a reasonable and economic method of producing interoperability.

PSWAC's Final Report had included the suggestion that a set (or table) of frequencies be established to become Nationally common Mutual Aid channels.

Agencies consolidating for budgetary reasons certainly can not replace multiple systems within a consolidated agency, and they can not pay for proprietary channels and protocols. These groups need a path for migration that has no adverse or disruptive affects on current systems. Again, that path should begin at the current analog level.

The vast majority of affected user groups already maintain and utilize VHF/FM systems (150-174 MHz). As the sixteen (16) frequencies tabled in 95-177 are between 159.500 and 161.550, they would be the most conducive to Part 90 and Part 80 interservice and consolidated system operations. This spectrum is possibly the only remaining wideband frequencies available.

Our position is that FNPRM 95-177 should be adopted as a Report and Order, but with revised provisions that would establish all or most of this spectrum's principal application as interoperable use by Consolidated or Mutual Aid Public Safety Agencies.

Other conditions and provision for use could be incorporated in either case.

1. License applications would be supported by Regional database to include close adjacent channel usage.
 - a. In some regions, not all would be available.
2. Operations on those frequencies would require equipment to support 11.25 Kz emissions (12.5 Kz bandwidth) on transmitters.
3. License applications would require documentation that new equipment to be utilized will be interoperable between consolidated users, both as wide-band and narrowband VHF/FM operations.
4. Regulatory provisions for future 6.25 Kz channel spacing could be applicable.
5. Public Correspondence (Maritime) be allowed to utilize 12/5 Kz narrowband "interstitial" channels for their operations.

Favorable regulatory action by the FCC could produce beneficial results for potential users, the Commission and Taxpayer.

1. As migration towards these frequencies occurs, valuable spectrum would become available for reassignment to appropriate users.
2. Consolidated Agencies would have cause and be motivated to become spectrum efficient at a faster rate.
3. Equipment costs are managed in a transitional manner, and one consolidated system is

less expenditure than multiple systems within an Agency.

4. Current VHF/FM systems can incorporate these channels within existing VHF/FM radio systems without adverse or disruptive affect.

5. Incident Command Structure becomes easier to manage between consolidated user groups.

Ira, we have spoken with Don Speights and Gary Patrick (NTIA), Terry Fishel (FCC Gettysburg), Clare Wren (FCCA President) and others on this subject.

Additionally, the County of Los Angeles Fire Dept. wishes to pursue this issue and it has been related to Chief Freeman (also on Steering Committee of PSWAC). We believe that wide spread support by Part 80 and Part 90 Users would occur.

For your interest, the LA system is designed to meet the Commissions stated goals for achieving spectrum efficiency and interoperability. Its database of use and operations features can be available for FCC studies. We anticipate installation in Jan. 97.

We do not know the best course or protocol to apply in order to receive a prompt review and response by the Commission. It has been suggested by Terry Fishel and others that we request your advice. Time is an issue as we understand that a final decision is imminent from the Commission.

Sincerely yours,

Skip Muckelrath

cc: T. Fishel, T. Viren, V. Pettric, R. Norsworthy, G. Patrick

West Pac Corp.
PO Box 7427
Klamath Falls, Oregon 97602-0427

(541) 885-8242
Fax: 884-7064

Frequencies from 95-177

159.500	
159.525	90.89 M/L
159.550	
159.575	
159.600	90.89 M/L
159.625	
159.650	
159.675	90.89 M/L
161.375	
161.400	90.91 R/R

161.425	
161.450	
161.475	90.91 R/R
161.500	
161.525	
161.550	90.91 R/R